

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P. O. Box 272400
Fort Collins, Colorado 80527-2400

WELLS ST JOHN PS
RECEIVED
CENTRAL FAX CENTER

002/024

PATENT APPLICATION

AUG 24 2006 ATTORNEY DOCKET NO. 10003895-1

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Keith E. Moore et al.

Confirmation No.: 3636

Application No.: 09/691,783

Examiner: Leynna Ha

Filing Date: 10/17/2000

Group Art Unit: 2135

Title: Digital Signatures for Tangible Medium Delivery

Mail Stop Appeal Brief-Patents
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF APPEAL BRIEF

Sir:

Transmitted herewith is the Appeal Brief in this application with respect to the Notice of Appeal filed on June 27, 2006.

The fee for filing this Appeal Brief is (37 CFR 1.17(c)) \$500.00.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

() (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d) for the total number of months checked below:

| | |
|------------------|-----------|
| () one month | \$120.00 |
| () two months | \$450.00 |
| () three months | \$1020.00 |
| () four months | \$1590.00 |

() The extension fee has already been filled in this application.

(X) (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Please charge to Deposit Account 08-2025 the sum of \$500.00. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

() I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313-1450. Date of Deposit: _____
OR

(X) I hereby certify that this paper is being transmitted to the Patent and Trademark Office facsimile number (571) 273-8300 on 8/24/06

Number of pages: 24

Typed Name: Natalie Long

Signature: 

Respectfully submitted,

Keith E. Moore et al.

By

James D. Shaurette

Attorney/Agent for Applicant(s)
Reg. No. 39,833

Date: 8/24/06

Telephone No. (509) 524-4278

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Serial No.09/691,783
Filing Date..... October 17, 2000
Inventor..... Keith E. Moore et al.
Assignee..... Hewlett-Packard Development Company, L.P.
Group Art Unit 2135
Examiner..... Leynna Ha
Attorney's Docket No. PDNO. 10003895-1
Confirmation No..... 3635
Title:Digital Signatures for Tangible Medium Delivery

BRIEF OF APPELLANT

To: Mail Stop Appeal Brief-Patents
Commissioner of Patents
P.O. Box 1450
Alexandria VA 22313-1450

From: James D. Shaurette (Tel. 509-624-4276; Fax 509-838-3424)
Wells, St. John, P.S.
601 W. First Avenue, Suite 1300
Spokane, WA 99201-3817

Appellant appeals from the Office Action, mailed March 27, 2006. The Commissioner is authorized to charge the fee required under 37 C.F.R. § 41.20(b)(2) to Deposit Account No. 08-2025.

08/25/2006 HVUONG1 00000093 082025 09691783

01 FC:1402 500.00 DA

PDNO. 10003895-1
Serial No. 09/691,783
Brief of Appellant

-i-

TABLE OF CONTENTS

| | | |
|-------------|--|-----------|
| I. | <u>REAL PROPERTY IN INTEREST</u> | 1 |
| II. | <u>RELATED APPEALS AND INTERFERENCES</u> | 1 |
| III. | <u>STATUS OF CLAIMS</u> | 1 |
| IV. | <u>STATUS OF AMENDMENTS</u> | 1 |
| V. | <u>SUMMARY OF CLAIMED SUBJECT MATTER</u> | 1 |
| VI. | <u>GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL</u> | 3 |
| VII. | <u>ARGUMENT</u> | 3 |
| | | |
| A. | Positively-recited limitations of claims 1-9, 20-23 and 27-29 are not disclosed by Yaegashi and the 102 rejection is improper for at least this reason..... | 3 |
| | | |
| B. | Positively-recited limitations of claims 10-18 and 24 are not disclosed by Yaegashi and the 102 rejection is improper for at least this reason..... | 6 |
| | | |
| C. | Positively-recited limitations of claims 19, 25-26 and 30-31 are not disclosed by Yaegashi and the 102 rejection is improper for at least this reason..... | 7 |
| | | |
| D. | Positively-recited limitations of claims 2 and 11 are not disclosed by Yaegashi and the 102 rejection is improper for at least this reason..... | 9 |
| | | |
| E. | Positively-recited limitations of claims 4 and 13 are not disclosed by Yaegashi and the 102 rejection is improper for at least this reason.... | 9 |
| | | |
| F. | Positively-recited limitations of claims 7 and 16 are not disclosed by Yaegashi and the 102 rejection is improper for at least this reason...10 | |
| | | |
| G. | Conclusion..... | 10 |

PDNO. 10003895-1
Serial No. 09/691,783
Brief of Appellant

-ii-

| | |
|---|------------|
| VIII. <u>CLAIMS APPENDIX</u> | A-1 |
| IX. <u>EVIDENCE APPENDIX</u> | B-1 |
| X. <u>RELATED PROCEEDINGS APPENDIX</u> | C-1 |

PDNO. 10003895-1
Serial No. 09/691,783
Brief of Appellant

I. REAL PARTY IN INTEREST

The real party in interest of this application is Hewlett-Packard Development Company, L.P. as evidenced by the full assignment of the pending application to Hewlett-Packard Company recorded starting at Reel 011428, Frame 0801, and the full assignment to Hewlett-Packard Development Company, L.P. recorded starting at Reel 014061, Frame 0492, in the Assignment Branch of the Patent and Trademark Office. The Hewlett-Packard Development Company, L.P., is a limited partnership established under the laws of the State of Texas and having a principal place of business at 20555 S.H. 249 Houston, TX 77070, U.S.A. (hereinafter "HPDC"). HPDC is a Texas limited partnership and is a wholly-owned affiliate of Hewlett-Packard Company, a Delaware Corporation, headquartered in Palo Alto, CA. The general or managing partner of HPDC is HPQ Holdings, LLC.

II. RELATED APPEALS AND INTERFERENCES

Appellant, Appellant's undersigned legal representative, and the assignee of the pending application are aware of no appeals or interferences which will directly affect, be directly affected by, or have a bearing on the Board's decision in the pending appeal.

III. STATUS OF THE CLAIMS

Claims 1-31 are pending and stand rejected. Appellant appeals the rejection of claims 1-31.

IV. STATUS OF AMENDMENTS

No amendments have been filed after the Office Action mailed March 27, 2006.

V. SUMMARY OF CLAIMED SUBJECT MATTER

Concise explanations of the subject matter defined in each of the independent claims and argued dependent claims involved in the appeal follow with respect to exemplary illustrative embodiments of the specification and figures.

Referring to claim 1, one method is described with respect to Fig. 1A and page 4, lines 3+ of the specification in accordance with one embodiment. In

PDNO. 10003895-1
Serial No. 09/691,783
Brief of Appellant

particular, creation of an encrypted content message is described with respect to steps 20, 22 and creation of an encrypted authentication message is described with respect to steps 30, 32 of one embodiment. Fixing of the messages onto tangible media are described with respect to steps 24, 34 in the embodiment of Fig. 1A. The limitations if a valid reply has been received, wherein the valid reply is based upon the decrypted authentication message, then allowing the authorized recipient to obtain said content decryption key are described with respect to steps 42, 44 in one embodiment.

Referring to dependent claims 2 and 11, a recipient's key may be encrypted at a step 32A of Fig. 1A and the key is shared with a recipient as set forth in one example in step 104 of Fig. 2A. Additional details of Fig. 1A are described at page 4, lines 3+ of the specification and additional details of Fig. 2A are described page 17, lines 1+ of the originally filed specification.

Referring to dependent claims 4 and 13, sender authentication encryption is described at step 32 of Fig. 1A and at page 6 of the specification in one embodiment. Recipient's key and sender's key encryption are described with respect to steps 32A and 32B in one embodiment. Referring to Fig. 2A, recipient use of a recipient's key and sender's key to decrypt the authentication message are described at steps 104 and 106 and page 17, lines 10+ of the specification in one embodiment. Additional details of Fig. 1A are described at page 4, lines 3+ of the specification and additional details of Fig. 2A are described page 17, lines 1+ of the originally filed specification.

Referring to dependent claims 7 and 16, exemplary encryption of a content message is described with respect to step 22 of Fig. 1A and page 4, lines 18+ of the specification in one embodiment. Exemplary decryption of an encrypted content message is described with respect to step 114 of Fig. 2A and page 18, lines 3+ of the specification in one embodiment. Additional details of Fig. 1A are described at page 4, lines 3+ of the specification and additional details of Fig. 2A are described page 17, lines 1+ of the originally filed specification.

Referring to independent claim 10, an article of manufacture is illustrated as a fixed tangible medium 200 of Fig. 3 in one embodiment. An encrypted content message is illustrated as reference 202 and an encrypted authentication message is illustrated as reference 204 as set forth in one embodiment at page 19, lines 6+ of

PDNO. 10003895-1
Serial No. 09/691,783
Brief of Appellant

the originally filed specification. Sending of a valid reply is described with respect to step 110 of Fig. 2A and allowing the recipient to obtain the content decryption key is described with respect to step 44 of Fig. 1A. Additional details of Fig. 1A are described at page 4, lines 3+ of the specification and additional details of Fig. 2A are described page 17, lines 1+ of the originally filed specification.

Referring to independent claim 19, an exemplary method including steps corresponding to the claimed method according to one embodiment is described with respect to Fig. 2A and page 17, lines 1+ of the specification. Receipt of the tangible medium is described at step 100 of Fig. 2A in one embodiment. Use of a recipient's key to decrypt the message is described at a step 104. Creation of a valid reply is described at step 108 and the valid reply is sent to the sender at step 110. Receipt and use of the content description key are described with respect to one embodiment at steps 112 and 114 of Fig. 2A.

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

- A. The 102 rejection of claims 1-9, 20-23 and 27-29.
- B. The 102 rejection of claims 10-18 and 24.
- C. The 102 rejection of claims 19, 25-26 and 30-31.
- D. The 102 rejection of claims 2 and 11.
- E. The 102 rejection of claims 4 and 13.
- F. The 102 rejection of claims 7 and 16.

VII. ARGUMENT

A. **Positively-recited limitations of claims 1-9, 20-23 and 27-29 are not disclosed by Yaegashi and the 102 rejection is improper for at least this reason.**

Referring to the anticipation rejection of the claims, Appellants respectfully submit that positively recited limitations of the claims are absent from Yaegashi and the 102 rejection is improper for at least this reason. Appellants note the requirements of MPEP §2131 (8th ed., rev. 3), which states that TO ANTICIPATE A CLAIM, THE REFERENCE MUST TEACH EVERY ELEMENT OF THE CLAIM. The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920

PDNO. 10003895-1
Serial No. 09/691,783
Brief of Appellant

(Fed. Cir. 1989). The elements must be arranged as required by the claim. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

Referring to independent claim 1, the method recites fixing an encrypted authentication message and encrypted content message onto a tangible medium and thereafter permitting the authorized recipient to obtain the tangible medium. The Office at pages 3-4 of the Action relies upon teachings of the Detailed Description section of Yaegashi at col. 10, lines 10+ as allegedly teaching various limitations of Appellants' claim 1. However, the Office at page 4 of the Action relies upon teachings at col. 4 of the Background section of Yaegashi as well as teachings at col. 8 of the Summary of Invention section of Yaegashi as allegedly teaching the claimed fixing. Appellants respectfully submit the cursory teachings of the Background and Summary fail to teach the fixing limitations of claim 1.

In particular, the teachings at col. 4, lines 5-11 of Yaegashi relied upon by the Office as allegedly disclosing the claimed fixing merely state that large collections of Information can be more efficiently and cost effectively distributed on fixed media such as CDs and that recent developments have made duplication and distribution of vast collections of information more economically practical. These teachings of col. 4 are void of the claimed fixing of the encrypted authentication message and encrypted content message onto a tangible medium as claimed.

Furthermore, the teachings at col. 8, lines 60+ of Yaegashi also relied upon by the Office as allegedly disclosing the claimed fixing merely state that a central access control system copies sensitive information from a master set of CDs and records the information on distribution CDs using an embedded data encryption process. The teachings of col. 8 of the Summary of Invention of Yaegashi are void of the claimed fixing the encrypted authentication and content messages as positively claimed. The disclosure in col. 8 of the recording of the data content of the master CDs onto the distribution CDs fails to disclose the fixing of both the plural claimed messages including the encrypted authentication message as well as the encrypted content message as specifically claimed.

Appellants have been unable to locate any teachings in Yaegashi of the claimed fixing the encrypted authentication message upon the tangible medium in addition to the claimed fixing of the encrypted content message. Col. 10, lines 20+ of Yaegashi teaches unique disc identification information 200 is recorded on

PDNO. 10003895-1
Serial No. 09/691,783
Brief of Appellant

each disc but Appellants have failed to locate any disclosure of the disc identification information 200 teaching an *authentication message*, let alone the claimed encrypted authentication message.

Appellants respectfully submit that the claimed fixing of the encrypted authentication message is not taught by Yaegashi and the 102 rejection of the claims is improper for at least this reason. Appellants also respectfully submit that the reliance by the Office upon the bald, cursory teachings of the Background and Summary of Invention sections of Yaegashi instead of the Detailed Description also illustrates the faulty nature of the 102 rejection and the failure of Yaegashi to disclose the claimed fixing.

In addition to the above-recited limitations absent from the prior art, Yaegashi also fails to disclose the claimed *valid reply based upon a decrypted authentication message* or the *allowing the authorized recipient to obtain the content decryption key if the valid reply has been received as claimed*. The Office on page 4 of the Action relies upon the teachings in col. 10, lines 58-64 and col. 12, lines 4-20 as allegedly teaching these claimed limitations. The sending of the decryption key from the control system 100 at col. 10, lines 58+ of Yaegashi and the access of the local decryption key stored within the local database of system 130 fail to disclose the *valid reply based on the decrypted authentication message* as claimed. In particular, the decryption key is sent responsive to verification of a request based on the central access control database and grant of the request based on the remote location access rights. Appellants have failed to uncover any teachings in col. 10 of a valid reply based upon a *decrypted authentication message* or allowing the recipient to obtain the content decryption key if the valid reply has been received as positively claimed.

Furthermore, col. 12, lines 4-20 of Yaegashi teach a user logging into the information access system 130 and disc identification information 200 is read and then a decryption key is located. Once again, Appellants have failed to uncover any teaching or suggestion in col. 12 of the claimed *valid reply based upon a decrypted authentication message* or the *allowing the authorized recipient to obtain the content decryption key if the valid reply has been received as claimed*. Appellants respectfully submit these additional positively-recited limitations of the claims are

PDNO. 10003895-1
Serial No. 09/691,783
Brief of Appellant

not disclosed nor suggested by the prior art and the 102 rejection of the claims is improper for at least this reason.

As demonstrated above, Appellants submit numerous limitations of the claims are not disclosed nor suggested by the prior art and Appellants respectfully submit that the 102 rejection is improper for at least this reason.

B. Positively-recited limitations of claims 10-18 and 24 are not disclosed by Yaegashi and the 102 rejection is improper for at least this reason.

Referring to independent claim 10, the article of manufacture comprises an *encrypted content message fixed on a tangible medium and an encrypted authentication message fixed on the tangible medium*. The Office on page 6 of the Action relies upon the teachings in col. 10, lines 65+ and col. 12, lines 56-57 as allegedly teaching these limitations. Appellants respectfully disagree.

In particular, the teachings at col. 10, lines 65+ refer to the identification number of the system 130 being a public encryption key and used to encrypt the CDs decryption key. However, Appellants have failed to uncover any teachings of the encrypted authentication message being fixed on the tangible medium upon which the encrypted content message is also fixed. Appellants respectfully submit the public encryption key and the CD's decryption key are not disclosed as being fixed on the tangible medium upon which the encrypted content message is also fixed. Appellants respectfully submit that the teachings of col. 10 fail to teach or suggest the limitations of the encrypted authentication message fixed on the tangible medium.

Further, the teachings at col. 12, lines 56-57 of Yaegashi refer to an encrypted decryption key which is transmitted via a bi-lateral communication link and received by the system 130 which fails again to disclose an *encrypted authentication message fixed on the tangible medium* upon which the *encrypted content message is fixed* as claimed. To the contrary, the CD decryption key used in step S17 is either stored locally or transmitted after the CDs are distributed as is disclosed in Figs. 3A-3B of Yaegashi. Accordingly, Appellants respectfully submit the prior art fails to disclose or suggest the plural encrypted content and authentication messages fixed on the same tangible medium defined in claim 10 and the 102 rejection of the claims is improper for at least this reason.

PDNO. 10003895-1
Serial No. 09/691,783
Brief of Appellant

At page 6 of the Action, the Office further relies upon teachings at col. 8, lines 60-67 of Yaegashi of the Summary of Invention and also col. 9, lines 10-22 of the Summary of Invention of Yaegashi. Col. 8, lines 60+ teaches the provision of unique disc identification information on each disc but Appellants have failed to identify any teaching of the identification information on each disc being *encrypted* or as disclosing an *authentication message* as claimed. Appellants have also failed to uncover any teachings in col. 9 of Yaegashi of the encrypted authentication message fixed on the tangible medium upon which the encrypted content message is also fixed as positively claimed.

Claim 10 also positively recites that a recipient may *use a decrypted authentication message* to send a valid reply to a sender confirming that the recipient received said article and the sender may then allow the recipient to obtain the content decryption key usable to decrypt the encrypted content message. The Office at page 7 relies upon teachings in col. 10, lines 58-64 and col. 12, lines 4-20 as allegedly teaching such limitations. However, the teachings of col. 10 disclose the control system 100 sending a unique decryption key which fails to disclose or suggest the claimed recipient using the decrypted authentication message to send a valid reply to the sender or the sender then allowing the recipient to obtain the content decryption key as defined in claim 10.

Also, the teachings in col. 12 additionally teach the access system 130 performing a local look up for a decryption key which fails to teach or suggest the claimed recipient using a decrypted authentication message to send a valid reply to a sender confirming that the recipient received said article and the sender may then allow the recipient to obtain the content decryption key usable to decrypt the encrypted content message.

As demonstrated above, numerous limitations of the claims are not disclosed nor suggested by the prior art and Appellants respectfully submit that the 102 rejection is improper for at least this reason.

C. Positively-recited limitations of claims 19, 25-26 and 30-31 are not disclosed by Yaegashi and the 102 rejection is improper for at least this reason.

At page 8 of the Action, the Office identifies teachings of col. 2, lines 41-45 and col. 8, lines 66-67 of Yaegashi as allegedly disclosing the claimed tangible

PDNO. 10003895-1
Serial No. 09/691,783
Brief of Appellant

medium having fixed upon it an encrypted authentication message and encrypted content message. However, the teachings in col. 2 refer to Background information and the general use of encryption to ensure against tampering and fails to teach the limitations of the claimed tangible medium. In addition, the teachings in col. 8, lines 66-67 of the Summary of Yaegashi state that unique disc identification information is also recorded on each disc in addition to the encrypted data. The identified teachings relied upon by the Office fail to disclose any encrypted information in addition to the encrypted content information on a tangible medium let alone the claimed encrypted authentication message in addition to the encrypted content message. Appellants respectfully submit limitations of the claims are not disclosed nor suggested by the prior art and the 102 rejection of the claims is improper for at least this reason.

The claims additionally recite using a recipient's key to decrypt an encrypted authentication message into a decrypted authentication message and creating a valid reply using the decrypted authentication message. The Office at pages 8-9 of the Office Action fails to identify any teachings of the prior art which disclose or suggest the limitations of creating the valid reply using a decrypted authentication message as positively claimed. As evidenced by the failure of the Office to locate any prior art teachings of the claimed creating, Yaegashi fails to disclose or suggest the receiving the tangible medium having fixed on it an encrypted authentication message, the decryption of the encrypted authentication message into a decrypted authentication message, or the creating the valid reply using the decrypted authentication message as claimed. At page 9 of the Action, the Office identifies teachings of col. 12, lines 16-20 of Yaegashi as allegedly teaching the claimed sending of the valid reply. However, the teachings of col. 12 discloses the mere generation of a message to a central access control system 100 reporting the request and grant of the locally stored decryption key which fails to teach the claimed sending of the valid reply which was created using a decrypted authentication message as positively claimed.

Appellants respectfully submit that numerous limitations of the claims are not disclosed nor suggested by the prior art and Appellants respectfully submit that the 102 rejection is improper for at least this reason.

PDNO. 10003895-1
Serial No. 09/691,783
Brief of Appellant

D. Positively-recited limitations of claims 2 and 11 are not disclosed by Yaegashi and the 102 rejection is improper for at least this reason.

Referring to the rejections of claims 2 and 11, the Office relies upon the teachings at col. 3, lines 7-9 of Yaegashi. However, the teachings relied upon by the Office refer to two prior art patents as set forth at col. 2, lines 55+ of Yaegashi as opposed to the disclosed embodiments of Yaegashi and the teachings of these patents have not been demonstrated to be applicable or combinable with the teachings of the Detailed Description of Yaegashi relied upon as allegedly teaching other limitations of the respective independent claims. Furthermore, as discussed above, Appellants have been unable to locate any teachings in Yaegashi of the claimed encrypted authentication message and Appellants submit Yaegashi fails to disclose or suggest the limitations of claims 2 and 11 reciting the encrypted authentication message may be decrypted using a recipient's key which *is a secret key that is shared between the sender and the recipient.*

Appellants respectfully submit limitations of the claims are not disclosed nor suggested by the prior art and Appellants respectfully submit that the 102 rejection is improper for at least this reason.

E. Positively-recited limitations of claims 4 and 13 are not disclosed by Yaegashi and the 102 rejection is improper for at least this reason.

Referring to the rejection of the claims, the Office relies upon teachings in col. 11, lines 11-17 and col. 10, lines 58-64 of Yaegashi in support of the rejection. The teachings in cols. 10 and 11 refer to a CD decryption key used to decrypt the encrypted copy sensitive information copied from a master set of one or more CDs and fails to disclose the claimed sender's key for *decryption of the authentication message* which is recited in the claims in addition to the encrypted content message. Furthermore, the claims recite that the *encrypted authentication message may be decrypted with a step employing a recipient's key and another step employing a sender's key.* The decryption of the data content copied from the master set of one or more CDs of Yaegashi fails to disclose or suggest the claimed *decryption of the encrypted authentication message in a plurality of steps using a recipient's key and a sender's key* as recited in the claims.

PDNO. 10003895-1
Serial No. 09/691,783
Brief of Appellant

Appellants respectfully submit limitations of the claims are not disclosed nor suggested by the prior art and Appellants respectfully submit that the 102 rejection is improper for at least this reason.

F. Positively-recited limitations of claims 7 and 16 are not disclosed by Yaegashi and the 102 rejection is improper for at least this reason.

The claims recite that the *encrypted content message may be decrypted by a decryption method with a step employing a recipient's key and another step employing a sender's key*. In support of the rejections, the Office relies upon the teachings of cols. 11, lines 11-17 and col. 10, lines 58-64 of Yaegashi. The teachings in col. 11 disclose a single distribution CD decryption key which may be used to decrypt a distribution CD while the teachings in col. 10 merely disclose that a single unique decryption key is sent to access a particular distribution CD 120. Yaegashi is void of disclosing or suggesting the limitations of the claims including plural keys (i.e., recipient's key and the sender's key) let alone the specifically claimed limitations that the *encrypted content message may be decrypted by a decryption method with a step employing a recipient's key and another step employing a sender's key*.

Appellants respectfully submit limitations of the claims are not disclosed nor suggested by the prior art and Appellants respectfully submit that the 102 rejection is improper for at least this reason.

G. Conclusion

In view of the foregoing, reversal of the rejections of the claims is respectfully requested. For any one of the above-stated reasons, the rejections of the respective claims should be reversed. In combination, the above-stated reasons overwhelmingly support such reversal. Accordingly, Appellants respectfully request that the Board reverse the rejections of the claims.

PDNO. 10003895-1
Serial No. 09/691,783
Brief of Appellant

11

Respectfully submitted,

Date: 8/24/06

Attorney:



James D. Shaurette
Reg. No. 39,833

PDNO. 10003895-1
Serial No. 09/691,783
Brief of Appellant

VIII. CLAIMS APPENDIX

1 1. [Original] A method for a sender to send an encrypted message to
2 an authorized recipient, the method having steps comprising:
3 creating an encrypted content message that may be decrypted using a
4 content decryption key that is unknown to the authorized recipient;
5 creating an encrypted authentication message that may be decrypted
6 using a recipient's key wherein the recipient's key is known to the authorized
7 recipient but unknown to others except perhaps known to the sender;
8 fixing the encrypted authentication message and the encrypted content
9 message onto a tangible medium and thereafter permitting the authorized
10 recipient to obtain the tangible medium;
11 if a valid reply has been received, wherein the valid reply is based upon
12 the decrypted authentication message, then allowing the authorized recipient to
13 obtain said content decryption key.

1 2. [Original] The method of claim 1 wherein the recipient's key is a
2 secret key that is shared between the sender and the recipient.

1 3. [Original] The method of claim 1 wherein the recipient's key is a
2 recipient's private key that is associated with a recipient's public key.

1 4. [Original] The method of claim 1 wherein said step of creating an
2 encrypted authentication message further comprises a step of sender
3 authentication encryption such that the authorized recipient may use a sender's
4 key for decryption of the authentication message thereby authenticating that the
5 sender was the source of the encrypted authentication message, such that the
6 sender's key is known to the authorized recipient, and such that the encrypted
7 authentication message may be decrypted with a decryption step employing said
8 recipient's key and with another decryption step employing said sender's key.

PDNO. 10003895-1
Serial No. 09/691,783
Brief of Appellant

A-2

1 5. [Original] The method of claim 4 wherein the sender's key is a
2 secret key that is shared between the sender and the authorized recipient but
3 unknown to others.

1 6. [Original] The method of claim 4 wherein the sender's key is a
2 public key that is associated with a sender's private key.

1 7. [Original] The method of claim 1 wherein said step of creating an
2 encrypted content message further comprises a step of sender authentication
3 encryption such that the authorized recipient may use a sender's key for
4 decryption of the encrypted content message thereby authenticating that the
5 sender was the source of the encrypted content message, such that the
6 sender's key is known by the authorized recipient, and such that the encrypted
7 content message may be decrypted by a decryption method with a step
8 employing the recipient's key and with another step employing the sender's key.

1 8. [Original] The method of claim 7 wherein the sender's key is a
2 secret key that is shared between the sender and the authorized recipient but
3 unknown to others.

1 9. [Original] The method of claim 4 wherein the sender's key is a
2 public key that is associated with a sender's private key.

1 10. [Original] An article of manufacture for sending an encrypted
2 message from a sender who possesses a content decryption key to a recipient
3 who possesses a recipient's key, the article, comprising:

4 a tangible medium;
5 an encrypted content message fixed on said tangible medium, wherein
6 said encrypted content message may be decrypted using the content decryption
7 key;
8 an encrypted authentication message fixed on said tangible medium,
9 wherein said encrypted authentication message may be decrypted using the
10 recipient's key;

PDNO. 10003895-1
Serial No. 09/691,783
Brief of Appellant

A-3

11 whereby after the article is delivered to the recipient the recipient may
12 use the recipient's key to decrypt said encrypted authentication message into a
13 decrypted authentication message, the recipient may use the decrypted
14 authentication message to send a valid reply to the sender confirming that the
15 recipient received said article and the sender may then allow the recipient to
16 obtain the content decryption key.

1 11. [Original] The article of claim 10 wherein the recipient's key is a
2 secret key that is shared between the sender and the recipient.

1 12. [Original] The article of claim 10 wherein the recipient's key is a
2 recipient's private key that is associated with a recipient's public key.

1 13. [Original] The article of claim 10 wherein said encrypted
2 authentication message is sender authentication encrypted such that said
3 encrypted authentication message may be decrypted by a decryption method
4 having a step employing the recipient's key and having another step employing a
5 sender's key such that the recipient may use the sender's key to authenticate
6 that the sender was the source of said tangible medium.

1 14. [Original] The article of claim 13 wherein the sender's key is a
2 secret key that is shared between the sender and the authorized recipient but
3 unknown to others.

1 15. [Original] The article of claim 13 wherein the sender's key is a
2 public key that is associated with a sender's private key.

3

1 16. [Original] The article of claim 10 wherein said encrypted content
2 message is sender authentication encrypted such that said encrypted content
3 message may be decrypted by a decryption method having a step employing the
4 recipient's key and having another step employing a sender's key such that the
5 recipient may use the sender's key to authenticate that the sender was the
6 source of said tangible medium.

PDNO. 10003895-1
Serial No. 09/691,783
Brief of Appellant

A-4

1 17. [Original] The article of claim 16 wherein the sender's key is a
2 secret key that is shared between the sender and the authorized recipient but
3 unknown to others.

1 18. [Original] The article of claim 16 wherein the sender's key is a
2 public key that is associated with a sender's private key.

1 19. [Original] A method for an authorized recipient to receive an
2 encrypted message from a sender, the method having steps comprising:

3 receiving a tangible medium from the sender wherein the tangible medium
4 has fixed upon it an encrypted authentication message and an encrypted content
5 message;

6 using a recipient's key to decrypt the encrypted authentication message
7 into a decrypted authentication message, wherein the recipient's key is known
8 to the authorized recipient but unknown to others except perhaps known to the
9 sender;

10 creating a valid reply using the decrypted authentication message;
11 sending the valid reply to the sender;

12 if the recipient has received a content decryption key from the sender,
13 then using the content decryption key to decrypt the encrypted content
14 message.

1 20. [Previously Presented] The method of claim 1 further comprising
2 receiving the valid reply using the sender after permitting the authorized
3 recipient to obtain the tangible medium, and wherein the allowing is responsive
4 to the receiving.

1 21. [Previously Presented] The method of claim 20 wherein the valid
2 reply is generated by the recipient after the recipient obtains the tangible
3 medium.

PDNO. 10003895-1
Serial No. 09/691,783
Brief of Appellant

A-5

1 22. [Previously Presented] The method of claim 1 wherein the
2 creatings, the fixing and the allowing comprise creatings, fixing and allowing
3 using the sender.

1 23. [Previously Presented] The method of claim 1 wherein the fixing
2 comprises permanently fixing the encrypted authentication message and the
3 encrypted content message onto said tangible medium.

1 24. [Previously Presented] The article of claim 10 wherein the
2 encrypted content message and the encrypted authentication message are
3 permanently fixed onto said tangible medium.

1 25. [Previously Presented] The method of claim 19 wherein the
2 creating and the sending the valid reply comprise creating and sending using the
3 authorized recipient.

1 26. [Previously Presented] The method of claim 19 wherein the
2 receiving, the usings, the creating, and the sending comprise receiving, usings,
3 creating and sending using the authorized recipient.

1 27. [Previously Presented] The method of claim 1 wherein the fixing
2 comprises fixing both the encrypted authentication message and the encrypted
3 content message onto the tangible medium comprising the same medium.

1 28. [Previously Presented] The method of claim 27 wherein the same
2 medium comprises a single fixed tangible medium.

1 29. [Previously Presented] The method of claim 28 wherein the single
2 fixed tangible medium comprises a compact disc.

1 30. [Previously Presented] The method of claim 19 wherein the using
2 the recipient's key comprises using the recipient's key by the authorized
3 recipient.

PDNO. 10003895-1
Serial No. 09/691,783
Brief of Appellant

A-6

1 31. [Previously Presented] The method of claim 19 wherein the
2 creating the valid reply comprises creating using the authorized recipient.

PDNO. 10003895-1
Serial No. 09/691,783
Brief of Appellant

B-1

IX. EVIDENCE APPENDIX

Appellants submit no evidence with this appellate brief.

*PDNO. 10003895-1
Serial No. 09/691,783
Brief of Appellant*

C-1

X. RELATED PROCEEDINGS APPENDIX

Appellants are not aware of any related proceedings.

PDNO. 10003895-1
Serial No. 09/691,783
Brief of Appellant